

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**Case No: 1:22-cv-22538 (Altman/Reid)**

PIERCE ROBERTSON, et al,

Plaintiffs,

v.

MARK CUBAN, et al.

Defendants.

**DEFENDANTS MARK CUBAN’S AND DALLAS BASKETBALL LIMITED’S  
[PROPOSED] BRIEF SUR-REPLY TO PLAINTIFFS’ “MOTION TO REOPEN AND  
FOR LEAVE TO FILE [SECOND] AMENDED COMPLAINT UNSEALED, IN THE  
PUBLIC COURT FILE” (ECF NO. 113)**

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Defendants Mark Cuban and Dallas Basketball Limited d/b/a Dallas Mavericks (the “Defendants”) write to briefly respond to certain statements in Plaintiffs’ reply in support of “Plaintiffs’ Motion to Reopen Case, and for Leave to File [Second] Amended Complaint Unsealed, in the Public Court File” (ECF No. 113).

First, while Plaintiffs’ counsel did provide Defendants’ counsel with a draft Second Amended Complaint, Plaintiffs’ counsel subsequently represented that the draft was being modified. Because Defendants have not yet seen the actual proposed Second Amended Complaint, Defendants reserve all rights to object to Plaintiffs’ motion for leave to file an amended complaint until the actual proposed pleading is filed under seal.

Second, Defendants reserve all rights with respect to what, if anything, should be unsealed once Plaintiffs’ counsel complies with the procedures under the Protective Order. Plaintiffs’ representation that “Defendants claim that almost all of the proposed [Second] Amended Complaint (and attachments) are ‘confidential’ and/or ‘highly confidential’ and thus must be filed under seal” (ECF 115 at 1) is simply wrong, as the parties have not conferred regarding the confidentiality of documents and deposition testimony referenced in the proposed Second Amended Complaint, as required by the Protective Order.

Third, there is no need for a status conference or oral argument at this time. And, for what it’s worth, contrary to his certification, Plaintiffs’ counsel did not confer with Defendants’ counsel regarding any purported request for oral argument.

Defendants otherwise rely on their previously filed Response. As stated therein, Defendants have no objection to either (i) the case being administratively reopened, or (ii) any proposed second amended complaint being filed under seal (subject to Defendants’ right to oppose Plaintiffs’ Rule 15 motion for leave to amend).

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Respectfully submitted this \_\_\_\_ day of May 2023.

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CHRISTOPHER E. KNIGHT, ESQ.  
Fla. Bar No. 607363  
Email: cknight@fowler-white.com

ESTHER E. GALICIA, ESQ.  
Fla. Bar No. 510459  
Email: egalicia@fowler-white.com

ALEXANDRA L. TIFFORD, ESQ.  
Fla. Bar No. 0178624  
Email: atifford@fowler-white.com

FOWLER WHITE BURNETT, P.A.  
Brickell Arch, Fourteenth Floor  
1395 Brickell Avenue  
Miami, Florida 33131  
Telephone: (305) 789-9200  
Facsimile: (305) 789-9201

*-and-*

PAUL C. HUCK, JR., ESQ.  
Fla. Bar No. 0968358  
Email: paul@thehucklawfirm.com

THE HUCK LAW FIRM  
334 Minorca Avenue  
Coral Gables, Florida 33134  
Telephone: (305) 441-2299  
Telecopier: (305) 441-8849

*-and-*

STEPHEN A. BEST, ESQ.  
*Pro Hac Vice*  
Email: sbest@brownrudnick.com

RACHEL O. WOLKINSON, ESQ.  
*Pro Hac Vice*  
Email: rwolkinson@brownrudnick.com

CASE NO: 1:22-CV-22538 (ALTMAN/REID)

BROWN RUDNICK LLP  
601 Thirteenth Street NW Suite 600  
Washington, DC 20005  
Telephone (202) 536-1755

*-and-*

SIGMUND WISSNER-GROSS, ESQ.  
*Pro Hac Vice*  
Email: swissner-gross@brownrudnick.com

JESSICA N. MEYERS, ESQ.  
*Pro Hac Vice*  
Email: jmeyers@brownrudnick.com

BROWN RUDNICK LLP  
Seven Times Square  
New York, NY 11036  
Telephone: (212) 209-4930

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May \_\_\_\_, 2023, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I ALSO CERTIFY that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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CHRISTOPHER E. KNIGHT, ESQ.  
Fla. Bar No. 607363  
Email: cknight@fowler-white.com

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**SERVICE LIST**

Adam M. Moskowitz, Esq.  
Joseph M. Kaye, Esq.  
Barbara C. Lewis, Esq.  
Howard M. Bushman, Esq.  
The Moskowitz Law Firm, PLLC  
2 Alhambra Plaza, Suite 601  
Coral Gables, Florida 33134  
E-mail: adam@moskowitz-law.com  
Email: joseph@moskowitz-law.com  
Email: barbara@moskowitz-law.com  
Email: howard@moskowitz-law.com

*Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**

David Boies, Esq.  
*Pro Hac Vice*  
Boies Schiller Flexner LLP  
333 Main Street  
Armonk, NY 10504  
Email: dboies@bsfllp.com

*Co-Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**

Stephen Neal Zack, Esq.  
szack@bsfllp.com  
Hon. Ursula Ungaro (Retired), Esq.  
uungaro@bsfllp.com  
Tyler E. Ulrich, Esq.  
tulrich@bsfllp.com  
Boies Schiller Flexner LLP  
100 S.E. 2nd St., Suite 2800  
Miami, FL 33131

*Co-Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**

Jose M. Ferrer, Esq.  
Mark Migdal & Hayden  
80 S.W. 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Email: jose@markmigdal.com

*Co-Counsel for Plaintiffs and the Proposed  
Classes*

**VIA CM/ECF**